

I certify this to be a true and correct  
copy of the indicated document as  
referred or transmitted to committee.

Chief Clerk of the House

By: 

FILED FEB 13 2003

H.B. No. 935

A BILL TO BE ENTITLED

AN ACT

relating to the creation of magistrates in Comal County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 54, Government Code, is amended by  
adding Subchapter W to read as follows:

SUBCHAPTER W. MAGISTRATES IN COMAL COUNTY

Sec. 54.1151. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Comal County may authorize the  
judges of the district and statutory county courts in Comal County  
to appoint one or more part-time or full-time magistrates to  
perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts  
in Comal County by a unanimous vote may appoint magistrates as  
authorized by the Commissioners Court of Comal County.

(c) An order appointing a magistrate must be signed by the  
local presiding judge of the district courts serving Comal County,  
and the order must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated  
on a majority vote of the Commissioners Court of Comal County.

Sec. 54.1152. QUALIFICATIONS; OATH OF OFFICE. (a) To be  
eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States;

1           (2) have resided in Comal County for at least the two  
2 years preceding the person's appointment; and

3           (3) be at least 30 years of age.

4           (b) A magistrate appointed under Section 54.1151 must take  
5 the constitutional oath of office required of appointed officers of  
6 this state.

7           Sec. 54.1153. COMPENSATION. (a) A magistrate is entitled  
8 to the salary determined by the Commissioners Court of Comal  
9 County.

10          (b) A full-time magistrate's salary may not be less than  
11 that of a justice of the peace of Comal County as established by the  
12 annual budget of Comal County.

13          (c) A part-time magistrate's salary is equal to the per-hour  
14 salary of a justice of the peace. The per-hour salary is determined  
15 by dividing the annual salary by a 2000 work-hour year. The local  
16 administrative judge of the district courts serving Comal County  
17 shall approve the number of hours to be paid a part-time magistrate.

18          (d) The magistrate's salary is paid from the county fund  
19 available for payment of officers' salaries.

20          Sec. 54.1154. JUDICIAL IMMUNITY. A magistrate has the same  
21 judicial immunity as a district judge.

22          Sec. 54.1155. TERMINATION OF EMPLOYMENT. (a) A magistrate  
23 may be terminated by a majority vote of all the judges of the  
24 district and statutory county courts of Comal County.

25          (b) To terminate a magistrate's employment, the local  
26 administrative judge of the district courts serving Comal County  
27 must sign a written order of termination. The order must state:

1           (1) the magistrate's name; and

2           (2) the final date of the magistrate's employment.

3           Sec. 54.1156. JURISDICTION; RESPONSIBILITY; POWERS. (a)

4           The judges of the district or statutory county courts shall  
5           establish standing orders to be followed by a magistrate or parties  
6           appearing before a magistrate, as applicable.

7           (b) To the extent authorized by this subchapter and the  
8           standing orders, a magistrate has jurisdiction to exercise the  
9           authority granted by the judges of the district or statutory county  
10          courts.

11          (c) A magistrate has all of the powers of a magistrate under  
12          the laws of this state and may administer an oath for any purpose.

13          (d) A magistrate shall give preference to performing the  
14          duties of a magistrate under Article 15.17, Code of Criminal  
15          Procedure.

16          (e) A magistrate is authorized to:

17                  (1) set, adjust, and revoke bonds before the filing of  
18                  an information or the return of an indictment;

19                  (2) conduct examining trials;

20                  (3) determine whether a defendant is indigent and  
21                  appoint counsel for an indigent defendant;

22                  (4) issue search and arrest warrants;

23                  (5) issue emergency protective orders;

24                  (6) order emergency mental commitments; and

25                  (7) conduct initial juvenile detention hearings if  
26                  approved by the Juvenile Board of Comal County.

27          (f) With the express authorization of a justice of the

1 peace, a magistrate may exercise concurrent criminal jurisdiction  
2 with the justice of the peace to dispose as provided by law of cases  
3 filed in the precinct of the authorizing justice of the peace,  
4 except for a trial on the merits following a plea of not guilty.

5 (g) A magistrate may:

6 (1) issue notices of the setting of a case for a  
7 hearing;

8 (2) conduct hearings;

9 (3) compel production of evidence;

10 (4) hear evidence;

11 (5) issue summons for the appearance of witnesses;

12 (6) swear witnesses for hearings;

13 (7) regulate proceedings in a hearing; and

14 (8) perform any act and take any measure necessary and  
15 proper for the efficient performance of the duties required by the  
16 magistrate's jurisdiction and authority.

17 Sec. 54.1157. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The  
18 Commissioners Court of Comal County shall provide:

19 (1) personnel for the legal or clerical functions  
20 necessary to perform the magistrate's duties authorized by this  
21 chapter; and

22 (2) provide sufficient equipment and office space for  
23 the magistrate and personnel to perform the magistrate's essential  
24 functions.

25 SECTION 2. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2003.

THE NEW BRAUNFELS HERALD-ZEITUNG  
NEW BRAUNFELS, TEXAS

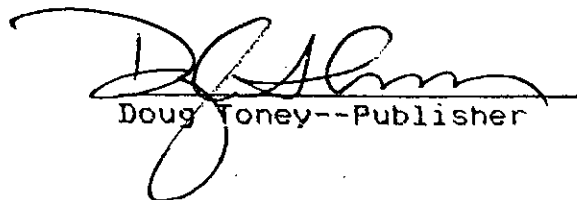
NEW BRAUNFELS HERALD-ZEITUNG

ATTN: NINFA CORDERO  
COMAL COUNTY PURCHASING  
150 N SEGUIN AVE SUITE 201  
NEW BRAUNFELS TX 78130-0000

REFERENCE: 12508131 PO# 25271  
509517 INV 3874/PUBLIC NOTI

STATE OF TEXAS  
COUNTY OF COMAL

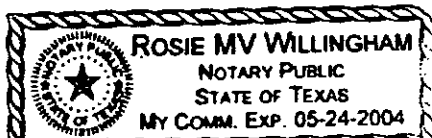
Before me, the undersigned authority, on this day, personally appeared, Doug Toney, who being duly sworn, deposes and says that he is the publisher of the New Braunfels Herald-Zeitung: that said newspaper is regularly published in Comal County and generally circulated in Comal, Guadalupe, Hays, and Bexar counties, Texas; that the attached notice was published on the following date.

  
Doug Toney--Publisher

PUBLISHED ON: 01/01

FILED ON: 01/02/03

Subscribed and sworn before me this 2nd of January  
2003 A.D.



  
Notary Public

110 Legal Notices

diagnosis, treat, and care for persons with mental health disabilities as well as to address the county's ability to legally address both civil and criminal matters pertaining to those with mental health disabilities.

110 Legal Notices

unincorporated areas of the county; Relating to authorization for counties, by local option, to increase fees collected by district and county clerks for the purpose of the courthouse security; Relating to enhancing the funding to properly

110 Legal Notices

tion. for counties, to pass laws affecting the general health, safety and welfare of their citizens; Relating to authorization for counties, by local option, to collect impact fees as a part of its reasonable regulation of subdivisions, growth and development in the

110 Legal Notices

Legislature: Relating to the creation of a second county court at law in conjunction with amending the matters in which the district courts and county courts at law of Comal County will have concurrent jurisdiction; Relating to the creation of a limited-jurisdiction magistrate primarily to function as a full magistrate; Relating to increasing the membership of the Juvenile Board in Co-

110 Legal Notices

**PUBLIC NOTICE**  
Comal County Commissioners Court hereby publishes notice of its intent to seek and/or support introduction and passage of legislation

03 MAR 20 PM 3:10  
HOUSE OF REPRESENTATIVES

**HOUSE  
COMMITTEE REPORT**  
**1<sup>st</sup> Printing**

By: Casteel

H.B. No. 935

A BILL TO BE ENTITLED

AN ACT

relating to the creation of magistrates in Comal County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter W to read as follows:

SUBCHAPTER W. MAGISTRATES IN COMAL COUNTY

Sec. 54.1151. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Comal County may authorize the judges of the district and statutory county courts in Comal County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Comal County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Comal County.

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Comal County, and the order must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Comal County.

Sec. 54.1152. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States;

1           (2) have resided in Comal County for at least the two  
2 years preceding the person's appointment; and

3           (3) be at least 30 years of age.

4           (b) A magistrate appointed under Section 54.1151 must take  
5 the constitutional oath of office required of appointed officers of  
6 this state.

7           Sec. 54.1153. COMPENSATION. (a) A magistrate is entitled  
8 to the salary determined by the Commissioners Court of Comal  
9 County.

10          (b) A full-time magistrate's salary may not be less than  
11 that of a justice of the peace of Comal County as established by the  
12 annual budget of Comal County.

13          (c) A part-time magistrate's salary is equal to the per-hour  
14 salary of a justice of the peace. The per-hour salary is determined  
15 by dividing the annual salary by a 2000 work-hour year. The local  
16 administrative judge of the district courts serving Comal County  
17 shall approve the number of hours to be paid a part-time magistrate.

18          (d) The magistrate's salary is paid from the county fund  
19 available for payment of officers' salaries.

20          Sec. 54.1154. JUDICIAL IMMUNITY. A magistrate has the same  
21 judicial immunity as a district judge.

22          Sec. 54.1155. TERMINATION OF EMPLOYMENT. (a) A magistrate  
23 may be terminated by a majority vote of all the judges of the  
24 district and statutory county courts of Comal County.

25          (b) To terminate a magistrate's employment, the local  
26 administrative judge of the district courts serving Comal County  
27 must sign a written order of termination. The order must state:



1           (1) the magistrate's name; and

2           (2) the final date of the magistrate's employment.

3           Sec. 54.1156. JURISDICTION; RESPONSIBILITY; POWERS. (a)

4           The judges of the district or statutory county courts shall  
5           establish standing orders to be followed by a magistrate or parties  
6           appearing before a magistrate, as applicable.

7           (b) To the extent authorized by this subchapter and the  
8           standing orders, a magistrate has jurisdiction to exercise the  
9           authority granted by the judges of the district or statutory county  
10          courts.

11          (c) A magistrate has all of the powers of a magistrate under  
12          the laws of this state and may administer an oath for any purpose.

13          (d) A magistrate shall give preference to performing the  
14          duties of a magistrate under Article 15.17, Code of Criminal  
15          Procedure.

16          (e) A magistrate is authorized to:

17               (1) set, adjust, and revoke bonds before the filing of  
18               an information or the return of an indictment;

19               (2) conduct examining trials;

20               (3) determine whether a defendant is indigent and  
21               appoint counsel for an indigent defendant;

22               (4) issue search and arrest warrants;

23               (5) issue emergency protective orders;

24               (6) order emergency mental commitments; and

25               (7) conduct initial juvenile detention hearings if  
26               approved by the Juvenile Board of Comal County.

27          (f) With the express authorization of a justice of the

1 peace, a magistrate may exercise concurrent criminal jurisdiction  
2 with the justice of the peace to dispose as provided by law of cases  
3 filed in the precinct of the authorizing justice of the peace,  
4 except for a trial on the merits following a plea of not guilty.

5 (g) A magistrate may:

6 (1) issue notices of the setting of a case for a  
7 hearing;

8 (2) conduct hearings;

9 (3) compel production of evidence;

10 (4) hear evidence;

11 (5) issue summons for the appearance of witnesses;

12 (6) swear witnesses for hearings;

13 (7) regulate proceedings in a hearing; and

14 (8) perform any act and take any measure necessary and  
15 proper for the efficient performance of the duties required by the  
16 magistrate's jurisdiction and authority.

17 Sec. 54.1157. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The  
18 Commissioners Court of Comal County shall provide:

19 (1) personnel for the legal or clerical functions  
20 necessary to perform the magistrate's duties authorized by this  
21 chapter; and

22 (2) provide sufficient equipment and office space for  
23 the magistrate and personnel to perform the magistrate's essential  
24 functions.

25 SECTION 2. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 935

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2003.

COMMITTEE REPORT

The Honorable Tom Craddick  
Speaker of the House of Representatives

3-17-03  
(date)

Sir:

We, your COMMITTEE ON JUDICIAL AFFAIRS

to whom was referred HB 935 have had the same under consideration and beg to report back with the recommendation that it

- ☒ do pass, without amendment.
- ☐ do pass, with amendment(s).
- ☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- ☒ yes ☐ no A fiscal note was requested.
- ☐ yes ☒ no A criminal justice policy impact statement was requested.
- ☐ yes ☒ no An equalized educational funding impact statement was requested.
- ☐ yes ☒ no An actuarial analysis was requested.
- ☐ yes ☒ no A water development policy impact statement was requested.
- ☐ yes ☒ no A tax equity note was requested.
- ☒ The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor \_\_\_\_\_

Joint Sponsors: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Co-Sponsors: \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Hartnett, Chair	<input checked="" type="checkbox"/>			
Smith, T., Vice-chair	<input checked="" type="checkbox"/>			
Alonzo	<input checked="" type="checkbox"/>			
Corte				<input checked="" type="checkbox"/>
Hughes	<input checked="" type="checkbox"/>			
Rodriguez	<input checked="" type="checkbox"/>			
Solis	<input checked="" type="checkbox"/>			
Telford				<input checked="" type="checkbox"/>
Wilson				<input checked="" type="checkbox"/>

Total  
6 aye  
0 nay  
0 present, not voting  
3 absent

Will Hartnett  
CHAIR

## **BILL ANALYSIS**

H.B. 935  
By: Casteel  
Judicial Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law requires that an arrested person be taken before a magistrate within 48 hours of that person's arrest, and the Code of Criminal Procedure Article 2.09 defines a broad class of persons who are "magistrates" within the meaning of the Code. Population growth in Comal County has increased the workload of these persons, leading to the need for additional magistrates in the county.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 935 amends the Government Code to add Subchapter W relating to magistrates in Comal County. The bill provides that the Commissioners Court of Comal County may authorize the judges of the district and statutory county courts in Comal County to appoint one or more part-time or full-time magistrates. The judges of the district and statutory county courts in Comal County may, by a unanimous vote, appoint magistrates as authorized by the Commissioners Court.

The bill also sets forth the qualifications and the compensation for the magistrate(s), provides that they have the same immunity as a district judge, and sets forth procedures for their termination.

The bill also provides that the judges of the district and statutory county courts shall establish standing orders for the magistrates and the parties appearing before the magistrates, and lists specific actions that the magistrate is authorized to do. These include setting, adjusting and revoking bond, conducting examining trials, determining whether a defendant is indigent and appointing counsel for an indigent defendant, issuing search and arrest warrants, issuing emergency protective orders, ordering emergency medical commitments and conducting initial juvenile detention hearings.

The bill also allows a magistrate to exercise concurrent criminal jurisdiction with a justice of the peace under certain circumstances, except for a trial on the merits following a plea of not guilty.

The bill also provides that the Commissioners Court must provide the magistrate with sufficient office space, personnel and equipment required to perform the magistrate's essential functions.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect on September 1, 2003.

## SUMMARY OF COMMITTEE ACTION

HB 935

March 17, 2003      2:30PM      or upon final adjourn./recess

---

Considered in public hearing

Testimony taken in committee (Legislator(s) only.)

Recommended to be sent to Local & Consent

Reported favorably without amendment(s)

2

1

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**March 17, 2003**

**TO:** Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB935** by Casteel (Relating to the creation of magistrates in Comal County.), As  
**Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

Under the bill, the Commissioners Court of Comal County may authorize the judges of the district and statutory county courts in Comal county to appoint one or more part-time or full-time magistrates. The bill would take immediate effect if it receives a two-thirds vote in each house; otherwise, it would take effect September 1, 2003.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JK, GO, DLBa

THE NEW BRAUNFELS HERALD-ZEITUNG  
NEW BRAUNFELS, TEXAS


NEW BRAUNFELS HERALD-ZEITUNG

ATTN: NINFA CORDERO  
COMAL COUNTY PURCHASING  
150 N SEGUIN AVE SUITE 201  
NEW BRAUNFELS TX 78130-0000

REFERENCE: 12508131 PO# 25271  
509517 INV 3874/PUBLIC NOTI

STATE OF TEXAS  
COUNTY OF COMAL

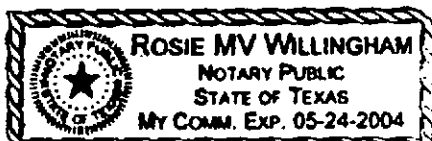
Before me, the undersigned authority, on this day, personally appeared, Doug Toney, who being duly sworn, deposes and says that he is the publisher of the New Braunfels Herald-Zeitung: that said newspaper is regularly published in Comal County and generally circulated in Comal, Guadalupe, Hays, and Bexar counties, Texas; that the attached notice was published on the following date.

  
Doug Toney--Publisher

PUBLISHED ON: 01/01

FILED ON: 01/02/03

Subscribed and sworn before me this 2nd of January 2003 A.D.



  
Notary Public

4

110 Legal Notices

diagnosis, treat, and care for persons with mental health disabilities as well as to address the county's ability to legally address both civil and criminal matters pertaining to those with mental health disabilities.

110 Legal Notices

unincorporated areas of the county; Relating to authorization for counties, by local option, to increase fees collected by district and county clerks for the purpose of the courthouse security; Relating to enhancing the funding to properly

110 Legal Notices

tion. for counties, to pass laws affecting the general health, safety and welfare of their citizens; Relating to authorization for counties, by local option, to collect impact fees as a part of its reasonable regulation of subdivisions, growth and development in the

110 Legal Notices

Legislature: Relating to the creation of a second county court at law in conjunction with amending the matters in which the district courts and county courts at law of Comal County will have concurrent jurisdiction; Relating to the creation of a limited-jurisdiction magistrate primarily to function as a jail magistrate; Relating to increasing the membership of the Juvenile Board in Co-

110 Legal Notices

**PUBLIC NOTICE**  
Comal County Commissioners Court hereby publishes notice of its intent to seek and/or support introduction of legislation



F

# HOUSE ENGROSSMENT

By: Casteel

H.B. No. 935

A BILL TO BE ENTITLED

AN ACT

relating to the creation of magistrates in Comal County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter W to read as follows:

SUBCHAPTER W. MAGISTRATES IN COMAL COUNTY

Sec. 54.1151. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Comal County may authorize the judges of the district and statutory county courts in Comal County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Comal County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Comal County.

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Comal County, and the order must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Comal County.

Sec. 54.1152. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States;

1           (2) have resided in Comal County for at least the two  
2 years preceding the person's appointment; and

3           (3) be at least 30 years of age.

4           (b) A magistrate appointed under Section 54.1151 must take  
5 the constitutional oath of office required of appointed officers of  
6 this state.

7           Sec. 54.1153. COMPENSATION. (a) A magistrate is entitled  
8 to the salary determined by the Commissioners Court of Comal  
9 County.

10          (b) A full-time magistrate's salary may not be less than  
11 that of a justice of the peace of Comal County as established by the  
12 annual budget of Comal County.

13          (c) A part-time magistrate's salary is equal to the per-hour  
14 salary of a justice of the peace. The per-hour salary is determined  
15 by dividing the annual salary by a 2000 work-hour year. The local  
16 administrative judge of the district courts serving Comal County  
17 shall approve the number of hours to be paid a part-time magistrate.

18          (d) The magistrate's salary is paid from the county fund  
19 available for payment of officers' salaries.

20          Sec. 54.1154. JUDICIAL IMMUNITY. A magistrate has the same  
21 judicial immunity as a district judge.

22          Sec. 54.1155. TERMINATION OF EMPLOYMENT. (a) A magistrate  
23 may be terminated by a majority vote of all the judges of the  
24 district and statutory county courts of Comal County.

25          (b) To terminate a magistrate's employment, the local  
26 administrative judge of the district courts serving Comal County  
27 must sign a written order of termination. The order must state:

1           (1) the magistrate's name; and

2           (2) the final date of the magistrate's employment.

3           Sec. 54.1156. JURISDICTION; RESPONSIBILITY; POWERS. (a)

4   The judges of the district or statutory county courts shall  
5   establish standing orders to be followed by a magistrate or parties  
6   appearing before a magistrate, as applicable.

7           (b) To the extent authorized by this subchapter and the  
8   standing orders, a magistrate has jurisdiction to exercise the  
9   authority granted by the judges of the district or statutory county  
10   courts.

11          (c) A magistrate has all of the powers of a magistrate under  
12   the laws of this state and may administer an oath for any purpose.

13          (d) A magistrate shall give preference to performing the  
14   duties of a magistrate under Article 15.17, Code of Criminal  
15   Procedure.

16          (e) A magistrate is authorized to:

17           (1) set, adjust, and revoke bonds before the filing of  
18   an information or the return of an indictment;

19           (2) conduct examining trials;

20           (3) determine whether a defendant is indigent and  
21   appoint counsel for an indigent defendant;

22           (4) issue search and arrest warrants;

23           (5) issue emergency protective orders;

24           (6) order emergency mental commitments; and

25           (7) conduct initial juvenile detention hearings if  
26   approved by the Juvenile Board of Comal County.

27          (f) With the express authorization of a justice of the

1 peace, a magistrate may exercise concurrent criminal jurisdiction  
2 with the justice of the peace to dispose as provided by law of cases  
3 filed in the precinct of the authorizing justice of the peace,  
4 except for a trial on the merits following a plea of not guilty.

5 (g) A magistrate may:

6 (1) issue notices of the setting of a case for a  
7 hearing;  
8 (2) conduct hearings;  
9 (3) compel production of evidence;  
10 (4) hear evidence;  
11 (5) issue summons for the appearance of witnesses;  
12 (6) swear witnesses for hearings;  
13 (7) regulate proceedings in a hearing; and  
14 (8) perform any act and take any measure necessary and  
15 proper for the efficient performance of the duties required by the  
16 magistrate's jurisdiction and authority.

17 Sec. 54.1157. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The  
18 Commissioners Court of Comal County shall provide:

19 (1) personnel for the legal or clerical functions  
20 necessary to perform the magistrate's duties authorized by this  
21 chapter; and

22 (2) provide sufficient equipment and office space for  
23 the magistrate and personnel to perform the magistrate's essential  
24 functions.

25 SECTION 2. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 935

1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2003.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**March 17, 2003**

**TO:** Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB935** by Casteel (Relating to the creation of magistrates in Comal County.), As  
**Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

Under the bill, the Commissioners Court of Comal County may authorize the judges of the district and statutory county courts in Comal county to appoint one or more part-time or full-time magistrates. The bill would take immediate effect if it receives a two-thirds vote in each house; otherwise, it would take effect September 1, 2003.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JK, GO, DLBa

THE NEW BRAUNFELS HERALD-ZEITUNG  
NEW BRAUNFELS, TEXAS

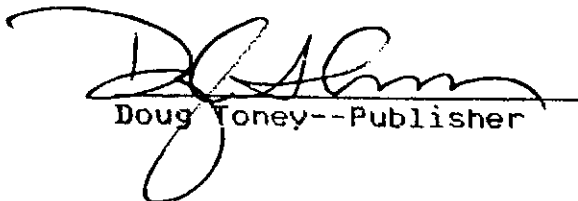
NEW BRAUNFELS HERALD-ZEITUNG

ATTN: NINFA CORDERO  
COMAL COUNTY PURCHASING  
150 N SEGUIN AVE SUITE 201  
NEW BRAUNFELS TX 78130-0000

REFERENCE: 12508131 PO# 25271  
509517 INV 3874/PUBLIC NOTI

STATE OF TEXAS  
COUNTY OF COMAL

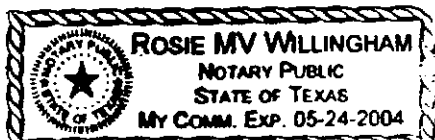
Before me, the undersigned authority, on this day,  
personally appeared, Doug Toney, who being duly  
sworn, deposes and says that he is the publisher  
of the New Braunfels Herald-Zeitung: that said  
newspaper is regularly published in Comal County  
and generally circulated in Comal, Guadalupe,  
Hays, and Bexar counties, Texas; that the attached  
notice was published on the following date.

  
Doug Toney--Publisher

PUBLISHED ON: 01/01

FILED ON: 01/02/03

Subscribed and sworn before me this 2nd of January  
2003 A.D.



  
Notary Public

110 Legal Notices

diagnosis, treat, and  
care for persons with  
mental health disabili-  
ties as well as to ad-  
dress the county's abili-  
ty to legally address  
both civil and criminal  
matters pertaining to  
those with mental  
health disabilities.

110 Legal Notices

unincorporated areas of  
the county.  
Relating to authoriza-  
tion for counties, by lo-  
cal option, to increase  
fees collected by district  
and county clerks for  
the purpose of the  
counthouse security;  
and  
Relating to enhancing  
the funding to properly

110 Legal Notices

tion for counties, to  
pass laws affecting the  
general health, safety  
and welfare of their citi-  
zens;  
Relating to authoriza-  
tion for counties, by lo-  
cal option, to collect in-  
fact fees as a part of its  
reasonable regulation  
of subdivisions, growth  
and development in the

110 Legal Notices

Legislature;  
Relating to the creation  
of a second county  
court at law in conjunc-  
tion with amending the  
matters in which the  
district courts and coun-  
ty courts at law of Co-  
mal County will have  
concurrent jurisdiction;  
Relating to the creation  
of a limited-jurisdiction  
magistrate primarily to  
function as a full magis-  
trate;  
Relating to increasing  
the membership of the  
Juvenile Board in Co-

110 Legal Notices

**PUBLIC NOTICE**  
Comal County Commis-  
sioners Court hereby  
publishes notice of its  
intent to seek and/or  
support introduction  
of the following

## **BILL ANALYSIS**

Senate Research Center  
78R4711 YDB-D

H.B. 935  
By: Casteel (Wentworth)  
Jurisprudence  
4/14/2003  
Engrossed

### **DIGEST AND PURPOSE**

The Commissioners Court of Comal County has requested the authority to authorize the appointment of one or more magistrates in that county. H.B. 935 authorizes the Commissioners Court of Comal County to authorize district and county court at law judges in Comal County to appoint one or more full-time or part-time magistrates and sets forth the qualifications, compensation, jurisdiction, responsibility, and powers of such magistrates.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 54, Government Code, by adding Subchapter W, as follows:

#### **SUBCHAPTER W. MAGISTRATES IN COMAL COUNTY**

Sec. 54.1151. AUTHORIZATION; APPOINTMENT; ELIMINATION. (a) Authorizes the Commissioners Court of Comal County to authorize the judges of the district and statutory county courts in Comal County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) Authorizes the judges of the district and statutory county courts in Comal County by a unanimous vote to appoint magistrates as authorized by the Commissioners Court of Comal County.

(c) Requires an order appointing a magistrate to be signed by the local presiding judge of the district courts serving Comal County and requires the order to state certain information.

(d) Provides that an authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Comal County.

Sec. 54.1152. QUALIFICATIONS; OATH OF OFFICE. (a) Requires a person, to be eligible for appointment as a magistrate, to meet certain qualifications.

(b) Requires a magistrate appointed under Section 54.1151 to take the constitutional oath of office required of appointed officers of this state.

Sec. 54.1153. COMPENSATION. (a) Provides that a magistrate is entitled to the salary determined by the Commissioners Court of Comal County.

(b) Prohibits a full-time magistrate's salary from being less than that of a justice of the peace of Comal County as established by the annual budget of Comal County.

(c) Provides that a part-time magistrate's salary is equal to the per-hour salary of a justice of the peace. Provides that the per-hour salary is determined by dividing



the annual salary by a 2000 work-hour year. Requires the local administrative judge of the district courts serving Comal County to approve the number of hours to be paid a part-time magistrate.

(d) Provides that the magistrate's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54.1154. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.1155. TERMINATION OF EMPLOYMENT. (a) Authorizes a magistrate to be terminated by a majority vote of all the judges of the district and statutory county courts of Comal County.

(b) Requires the local administrative judge of the district courts serving Comal County, in order to terminate a magistrate's employment, to sign a written order of termination. Requires the order to state certain information.

Sec. 54.1156. JURISDICTION; RESPONSIBILITY; POWERS. (a) Requires the judges of the district or statutory county courts to establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable.

(b) Provides that to the extent authorized by this subchapter and the standing orders a magistrate has jurisdiction to exercise the authority granted by the judges of the district or statutory county courts.

(c) Provides that a magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

(d) Requires a magistrate to give preference to performing the duties of a magistrate under Article 15.17, Code of Criminal Procedure.

(e) Provides that a magistrate is authorized to perform certain duties.

(f) Authorizes a magistrate, with the express authorization of a justice of the peace, to exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of the authorizing justice of the peace, except for a trial on the merits following a plea of not guilty.

(g) Authorizes a magistrate to perform certain duties.

Sec. 54.1157. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. Requires the Commissioners Court of Comal County to provide personnel for the legal or clerical functions necessary to perform the magistrate's duties authorized by this chapter and to provide sufficient equipment and office space for the magistrate and personnel to perform the magistrate's essential functions.

SECTION 2. Effective date: upon passage or September 1, 2003.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 10, 2003**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB935** by Casteel (Relating to the creation of magistrates in Comal County.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
---

Under the bill, the Commissioners Court of Comal County may authorize the judges of the district and statutory county courts in Comal county to appoint one or more part-time or full-time magistrates. The bill would take immediate effect if it receives a two-thirds vote in each house; otherwise, it would take effect September 1, 2003.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JK, GO, DLBa

By: Casteel (Senate Sponsor - Wentworth) H.B. No. 935  
(In the Senate - Received from the House April 7, 2003;  
April 9, 2003, read first time and referred to Committee on  
Jurisprudence; April 24, 2003, reported favorably by the following  
vote: Yeas 6, Nays 0; April 24, 2003, sent to printer.)

A BILL TO BE ENTITLED  
AN ACT

relating to the creation of magistrates in Comal County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 54, Government Code, is amended by  
adding Subchapter W to read as follows:

SUBCHAPTER W. MAGISTRATES IN COMAL COUNTY

Sec. 54.1151. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Comal County may authorize the judges of the district and statutory county courts in Comal County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Comal County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Comal County.

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Comal County, and the order must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Comal County.

Sec. 54.1152. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States;

(2) have resided in Comal County for at least the two years preceding the person's appointment; and

(3) be at least 30 years of age.

(b) A magistrate appointed under Section 54.1151 must take the constitutional oath of office required of appointed officers of this state.

Sec. 54.1153. COMPENSATION. (a) A magistrate is entitled to the salary determined by the Commissioners Court of Comal County.

(b) A full-time magistrate's salary may not be less than that of a justice of the peace of Comal County as established by the annual budget of Comal County.

(c) A part-time magistrate's salary is equal to the per-hour salary of a justice of the peace. The per-hour salary is determined by dividing the annual salary by a 2000 work-hour year. The local administrative judge of the district courts serving Comal County shall approve the number of hours to be paid a part-time magistrate.

(d) The magistrate's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54.1154. JUDICIAL IMMUNITY. A magistrate has the same judicial immunity as a district judge.

Sec. 54.1155. TERMINATION OF EMPLOYMENT. (a) A magistrate may be terminated by a majority vote of all the judges of the district and statutory county courts of Comal County.

(b) To terminate a magistrate's employment, the local administrative judge of the district courts serving Comal County must sign a written order of termination. The order must state:

(1) the magistrate's name; and

(2) the final date of the magistrate's employment.

Sec. 54.1156. JURISDICTION; RESPONSIBILITY; POWERS. (a) The judges of the district or statutory county courts shall establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable.

(b) To the extent authorized by this subchapter and the

standing orders, a magistrate has jurisdiction to exercise the authority granted by the judges of the district or statutory county courts.

(c) A magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

(d) A magistrate shall give preference to performing the duties of a magistrate under Article 15.17, Code of Criminal Procedure.

(e) A magistrate is authorized to:

(1) set, adjust, and revoke bonds before the filing of an information or the return of an indictment;

(2) conduct examining trials;

(3) determine whether a defendant is indigent and appoint counsel for an indigent defendant;

(4) issue search and arrest warrants;

(5) issue emergency protective orders;

(6) order emergency mental commitments; and

(7) conduct initial juvenile detention hearings if approved by the Juvenile Board of Comal County.

(f) With the express authorization of a justice of the peace, a magistrate may exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of the authorizing justice of the peace, except for a trial on the merits following a plea of not guilty.

(g) A magistrate may:

(1) issue notices of the setting of a case for a hearing;

(2) conduct hearings;

(3) compel production of evidence;

(4) hear evidence;

(5) issue summons for the appearance of witnesses;

(6) swear witnesses for hearings;

(7) regulate proceedings in a hearing; and

(8) perform any act and take any measure necessary and proper for the efficient performance of the duties required by the magistrate's jurisdiction and authority.

Sec. 54.1157. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The Commissioners Court of Comal County shall provide:

(1) personnel for the legal or clerical functions necessary to perform the magistrate's duties authorized by this chapter; and

(2) provide sufficient equipment and office space for the magistrate and personnel to perform the magistrate's essential functions.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

\* \* \* \* \*

FAVORABLE  
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 935  
By Wentworth  
(Author/Senate Sponsor)  
04-24-03  
(date)

We, your Committee on JURISPRUDENCE, to which was referred the attached measure,  
have on 04-23-03, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Robert Duncan, Chairman	<input checked="" type="checkbox"/>			
Senator Mario Gallegos, Vice-Chairman	<input checked="" type="checkbox"/>			
Senator Kip Averitt	<input checked="" type="checkbox"/>			
Senator Teel Bivins			<input checked="" type="checkbox"/>	
Senator Chris Harris	<input checked="" type="checkbox"/>			
Senator Eddie Lucio, Jr.	<input checked="" type="checkbox"/>			
Senator Royce West	<input checked="" type="checkbox"/>			
TOTAL VOTES	6	0	1	0

COMMITTEE ACTION

☒ S260 Considered in public hearing  
☐ S270 Testimony taken

[Signature]  
COMMITTEE CLERK

[Signature]  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Retain one copy of this form for Committee files

## **BILL ANALYSIS**

Senate Research Center  
78R4711 YDB-D

H.B. 935  
By: Casteel (Wentworth)  
Jurisprudence  
4/14/2003  
Engrossed

### **DIGEST AND PURPOSE**

The Commissioners Court of Comal County has requested the authority to authorize the appointment of one or more magistrates in that county. H.B. 935 authorizes the Commissioners Court of Comal County to authorize district and county court at law judges in Comal County to appoint one or more full-time or part-time magistrates and sets forth the qualifications, compensation, jurisdiction, responsibility, and powers of such magistrates.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 54, Government Code, by adding Subchapter W, as follows:

#### **SUBCHAPTER W. MAGISTRATES IN COMAL COUNTY**

Sec. 54.1151. AUTHORIZATION; APPOINTMENT; ELIMINATION. (a) Authorizes the Commissioners Court of Comal County to authorize the judges of the district and statutory county courts in Comal County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) Authorizes the judges of the district and statutory county courts in Comal County by a unanimous vote to appoint magistrates as authorized by the Commissioners Court of Comal County.

(c) Requires an order appointing a magistrate to be signed by the local presiding judge of the district courts serving Comal County and requires the order to state certain information.

(d) Provides that an authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Comal County.

Sec. 54.1152. QUALIFICATIONS; OATH OF OFFICE. (a) Requires a person, to be eligible for appointment as a magistrate, to meet certain qualifications.

(b) Requires a magistrate appointed under Section 54.1151 to take the constitutional oath of office required of appointed officers of this state.

Sec. 54.1153. COMPENSATION. (a) Provides that a magistrate is entitled to the salary determined by the Commissioners Court of Comal County.

(b) Prohibits a full-time magistrate's salary from being less than that of a justice of the peace of Comal County as established by the annual budget of Comal County.

(c) Provides that a part-time magistrate's salary is equal to the per-hour salary of a justice of the peace. Provides that the per-hour salary is determined by dividing

the annual salary by a 2000 work-hour year. Requires the local administrative judge of the district courts serving Comal County to approve the number of hours to be paid a part-time magistrate.

(d) Provides that the magistrate's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54.1154. JUDICIAL IMMUNITY. Provides that a magistrate has the same judicial immunity as a district judge.

Sec. 54.1155. TERMINATION OF EMPLOYMENT. (a) Authorizes a magistrate to be terminated by a majority vote of all the judges of the district and statutory county courts of Comal County.

(b) Requires the local administrative judge of the district courts serving Comal County, in order to terminate a magistrate's employment, to sign a written order of termination. Requires the order to state certain information.

Sec. 54.1156. JURISDICTION; RESPONSIBILITY; POWERS. (a) Requires the judges of the district or statutory county courts to establish standing orders to be followed by a magistrate or parties appearing before a magistrate, as applicable.

(b) Provides that to the extent authorized by this subchapter and the standing orders a magistrate has jurisdiction to exercise the authority granted by the judges of the district or statutory county courts.

(c) Provides that a magistrate has all of the powers of a magistrate under the laws of this state and may administer an oath for any purpose.

(d) Requires a magistrate to give preference to performing the duties of a magistrate under Article 15.17, Code of Criminal Procedure.

(e) Provides that a magistrate is authorized to perform certain duties.

(f) Authorizes a magistrate, with the express authorization of a justice of the peace, to exercise concurrent criminal jurisdiction with the justice of the peace to dispose as provided by law of cases filed in the precinct of the authorizing justice of the peace, except for a trial on the merits following a plea of not guilty.

(g) Authorizes a magistrate to perform certain duties.

Sec. 54.1157. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. Requires the Commissioners Court of Comal County to provide personnel for the legal or clerical functions necessary to perform the magistrate's duties authorized by this chapter and to provide sufficient equipment and office space for the magistrate and personnel to perform the magistrate's essential functions.

SECTION 2. Effective date: upon passage or September 1, 2003.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 10, 2003**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on Jurisprudence

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB935** by Casteel (Relating to the creation of magistrates in Comal County.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
---

Under the bill, the Commissioners Court of Comal County may authorize the judges of the district and statutory county courts in Comal county to appoint one or more part-time or full-time magistrates. The bill would take immediate effect if it receives a two-thirds vote in each house; otherwise, it would take effect September 1, 2003.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JK, GO, DLBa



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**March 17, 2003**

**TO:** Honorable Will Hartnett, Chair, House Committee on Judicial Affairs

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB935** by Casteel (Relating to the creation of magistrates in Comal County.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

Under the bill, the Commissioners Court of Comal County may authorize the judges of the district and statutory county courts in Comal county to appoint one or more part-time or full-time magistrates. The bill would take immediate effect if it receives a two-thirds vote in each house; otherwise, it would take effect September 1, 2003.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

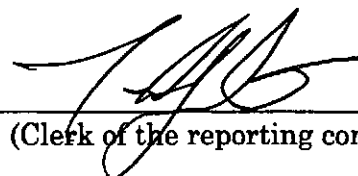
**Source Agencies:**

**LBB Staff:** JK, GO, DLBa

## REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN  
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 935, by Wentworth,  
(Bill No.) (Author/Sponsor)  
was heard by the Committee on Jurisprudence on 04/23, 2003,  
and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.

  
(Clerk of the reporting committee)

**IMPORTANT: A COPY OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE ANNOUNCED ON A REGULAR BASIS.**

THE NEW BRAUNFELS HERALD-ZEITUNG  
NEW BRAUNFELS, TEXAS

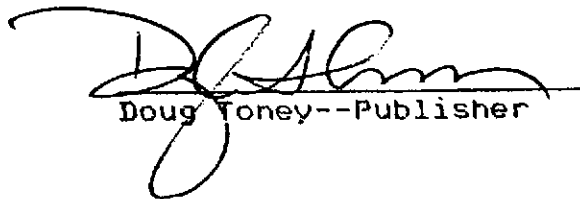
NEW BRAUNFELS HERALD-ZEITUNG

ATTN: NINFA CORDERO  
COMAL COUNTY PURCHASING  
150 N SEGUIN AVE SUITE 201  
NEW BRAUNFELS TX 78130-0000

REFERENCE: 12508131 PO# 25271  
509517 INV 3874/PUBLIC NOTI

STATE OF TEXAS  
COUNTY OF COMAL

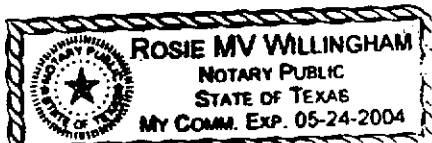
Before me, the undersigned authority, on this day,  
personally appeared, Doug Toney, who being duly  
sworn, deposes and says that he is the publisher  
of the New Braunfels Herald-Zeitung: that said  
newspaper is regularly published in Comal County  
and generally circulated in Comal, Guadalupe,  
Hays, and Bexar counties, Texas; that the attached  
notice was published on the following date.

  
Doug Toney--Publisher

PUBLISHED ON: 01/01

FILED ON: 01/02/03

Subscribed and sworn before me this 2nd of January  
2003 A.D.



  
Notary Public

110 Legal Notices

diagnosis, treat, and care for persons with mental health disabilities as well as to address the county's ability to legally address both civil and criminal matters pertaining to those with mental health disabilities.

110 Legal Notices

unincorporated areas of the county; Relating to authorization for counties, by local option, to increase fees collected by district and county clerks for the purpose of the courthouse security; Relating to enhancing the funding to properly

110 Legal Notices

tion, for counties, to pass laws affecting the general health, safety and welfare of their citizens; Relating to authorization for counties, by local option, to collect impact fees as a part of its reasonable regulation of subdivisions, growth and development in the

110 Legal Notices

Legislature: Relating to the creation of a second county court at law in conjunction with amending the matters in which the district courts and county courts at law of Comal County will have concurrent jurisdiction; Relating to the creation of a limited-jurisdiction magistrate primarily to function as a jail magistrate; Relating to increasing the membership of the Juvenile Board in Co-

110 Legal Notices

**PUBLIC NOTICE**  
Comal County Commissioners Court hereby publishes notice of its intent to seek and/or support introduction of legislation.

ENROLLED

H.B. No. 935

AN ACT

relating to the creation of magistrates in Comal County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter W to read as follows:

SUBCHAPTER W. MAGISTRATES IN COMAL COUNTY

Sec. 54.1151. AUTHORIZATION; APPOINTMENT; ELIMINATION.

(a) The Commissioners Court of Comal County may authorize the judges of the district and statutory county courts in Comal County to appoint one or more part-time or full-time magistrates to perform the duties authorized by this subchapter.

(b) The judges of the district and statutory county courts in Comal County by a unanimous vote may appoint magistrates as authorized by the Commissioners Court of Comal County.

(c) An order appointing a magistrate must be signed by the local presiding judge of the district courts serving Comal County, and the order must state:

(1) the magistrate's name; and

(2) the date the magistrate's employment is to begin.

(d) An authorized magistrate's position may be eliminated on a majority vote of the Commissioners Court of Comal County.

Sec. 54.1152. QUALIFICATIONS; OATH OF OFFICE. (a) To be eligible for appointment as a magistrate, a person must:

(1) be a citizen of the United States;

1           (2) have resided in Comal County for at least the two  
2 years preceding the person's appointment; and

3           (3) be at least 30 years of age.

4           (b) A magistrate appointed under Section 54.1151 must take  
5 the constitutional oath of office required of appointed officers of  
6 this state.

7           Sec. 54.1153. COMPENSATION. (a) A magistrate is entitled  
8 to the salary determined by the Commissioners Court of Comal  
9 County.

10          (b) A full-time magistrate's salary may not be less than  
11 that of a justice of the peace of Comal County as established by the  
12 annual budget of Comal County.

13          (c) A part-time magistrate's salary is equal to the per-hour  
14 salary of a justice of the peace. The per-hour salary is determined  
15 by dividing the annual salary by a 2000 work-hour year. The local  
16 administrative judge of the district courts serving Comal County  
17 shall approve the number of hours to be paid a part-time magistrate.

18          (d) The magistrate's salary is paid from the county fund  
19 available for payment of officers' salaries.

20          Sec. 54.1154. JUDICIAL IMMUNITY. A magistrate has the same  
21 judicial immunity as a district judge.

22          Sec. 54.1155. TERMINATION OF EMPLOYMENT. (a) A magistrate  
23 may be terminated by a majority vote of all the judges of the  
24 district and statutory county courts of Comal County.

25          (b) To terminate a magistrate's employment, the local  
26 administrative judge of the district courts serving Comal County  
27 must sign a written order of termination. The order must state:

1           (1) the magistrate's name; and

2           (2) the final date of the magistrate's employment.

3           Sec. 54.1156. JURISDICTION; RESPONSIBILITY; POWERS. (a)

4           The judges of the district or statutory county courts shall  
5           establish standing orders to be followed by a magistrate or parties  
6           appearing before a magistrate, as applicable.

7           (b) To the extent authorized by this subchapter and the  
8           standing orders, a magistrate has jurisdiction to exercise the  
9           authority granted by the judges of the district or statutory county  
10           courts.

11           (c) A magistrate has all of the powers of a magistrate under  
12           the laws of this state and may administer an oath for any purpose.

13           (d) A magistrate shall give preference to performing the  
14           duties of a magistrate under Article 15.17, Code of Criminal  
15           Procedure.

16           (e) A magistrate is authorized to:

17                   (1) set, adjust, and revoke bonds before the filing of  
18                   an information or the return of an indictment;

19                   (2) conduct examining trials;

20                   (3) determine whether a defendant is indigent and  
21                   appoint counsel for an indigent defendant;

22                   (4) issue search and arrest warrants;

23                   (5) issue emergency protective orders;

24                   (6) order emergency mental commitments; and

25                   (7) conduct initial juvenile detention hearings if  
26                   approved by the Juvenile Board of Comal County.

27           (f) With the express authorization of a justice of the

1 peace, a magistrate may exercise concurrent criminal jurisdiction  
2 with the justice of the peace to dispose as provided by law of cases  
3 filed in the precinct of the authorizing justice of the peace,  
4 except for a trial on the merits following a plea of not guilty.

5 (g) A magistrate may:

6 (1) issue notices of the setting of a case for a  
7 hearing;

8 (2) conduct hearings;

9 (3) compel production of evidence;

10 (4) hear evidence;

11 (5) issue summons for the appearance of witnesses;

12 (6) swear witnesses for hearings;

13 (7) regulate proceedings in a hearing; and

14 (8) perform any act and take any measure necessary and  
15 proper for the efficient performance of the duties required by the  
16 magistrate's jurisdiction and authority.

17 Sec. 54.1157. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The  
18 Commissioners Court of Comal County shall provide:

19 (1) personnel for the legal or clerical functions  
20 necessary to perform the magistrate's duties authorized by this  
21 chapter; and

22 (2) sufficient equipment and office space for the  
23 magistrate and personnel to perform the magistrate's essential  
24 functions.

25 SECTION 2. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

H.B. No. 935

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2003.



H.B. No. 935

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 935 was passed by the House on April 3, 2003, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 935 was passed by the Senate on May 1, 2003, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 935<sup>✓</sup> was passed by the House  
(1)

on April 3<sup>✓</sup>, 2003, by the following vote:  
(2)

Yeas 141<sup>✓</sup>, Nays 0<sup>✓</sup>, 2 present, not voting<sup>✓</sup>  
(3) (4)

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 935<sup>✓</sup> was passed by the Senate

on May 1<sup>✓</sup>, 2003, by the following vote:  
(5)

Yeas 31<sup>✓</sup>, Nays 0<sup>✓</sup>  
(6) (7)

\_\_\_\_\_  
Secretary of the Senate

APPROVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor

\*\*\*\* Preparation: CT24;

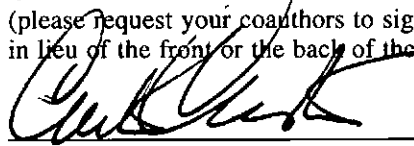
CLT

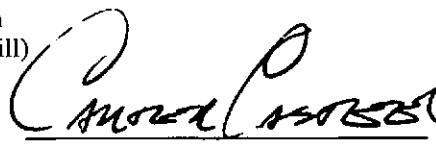
**78TH LEGISLATURE**

**COAUTHOR AUTHORIZATION**

(please request your coauthors to sign this form  
in lieu of the front or the back of the original bill)

Bill or Resolution Number: HB 935

  
signature of **primary** author

  
printed name of **primary** author

2/13/03  
Date

PERMISSION TO SIGN HB 935 HAS BEEN GIVEN TO (check only one of the following):  
(bill or resolution #)

☒ ALL REPRESENTATIVES  
☐ THE FOLLOWING REPRESENTATIVE(S): \_\_\_\_\_

I authorize the Chief Clerk to include my name as a coauthor of the legislation indicated above:

<u>A2115 Allen</u>	<u>        </u> Date	<u>A2450 Cook, Byron</u>	<u>        </u> Date	<u>A2795 Farabee</u>	<u>        </u> Date
<u>A2125 Alonzo</u>	<u>        </u> Date	<u>A2565 Cook, Robert "Robby"</u>	<u>        </u> Date	<u>A2810 Farrar</u>	<u>        </u> Date
<u>A2160 Bailey</u>	<u>        </u> Date	<u>A2595 Corte</u>	<u>        </u> Date	<u>A2840 Flores</u>	<u>        </u> Date
<u>A2170 Baxter</u>	<u>        </u> Date	<u>A2605 Crabb</u>	<u>        </u> Date	<u>A2850 Flynn</u>	<u>        </u> Date
<u>A2205 Berman</u>	<u>        </u> Date	<u>A2610 Craddick</u>	<u>        </u> Date	<u>A2920 Gallego</u>	<u>        </u> Date
<u>A2230 Bohac</u>	<u>        </u> Date	<u>A2640 Crownover</u>	<u>        </u> Date	<u>A2925 Garza</u>	<u>        </u> Date
<u>A2250 Bonnen</u>	<u>        </u> Date	<u>A2620 Davis, John</u>	<u>        </u> Date	<u>A2960 Gattis</u>	<u>        </u> Date
<u>A2280 Branch</u>	<u>        </u> Date	<u>A2625 Davis, Yvonne</u>	<u>        </u> Date	<u>A2945 Geren</u>	<u>        </u> Date
<u>A2265 Brown, Betty</u>	<u>        </u> Date	<u>A2635 Dawson</u>	<u>        </u> Date	<u>A2935 Giddings</u>	<u>        </u> Date
<u>A2270 Brown, Fred</u>	<u>        </u> Date	<u>A2680 Delisi</u>	<u>        </u> Date	<u>A2985 Goodman</u>	<u>        </u> Date
<u>A2255 Burnam</u>	<u>        </u> Date	<u>A3385 Denny</u>	<u>        </u> Date	<u>A2990 Goolsby</u>	<u>        </u> Date
<u>A2295 Callegari</u>	<u>        </u> Date	<u>A2690 Deshotel</u>	<u>        </u> Date	<u>A3010 Griggs</u>	<u>        </u> Date
<u>A2290 Campbell</u>	<u>        </u> Date	<u>A2705 Driver</u>	<u>        </u> Date	<u>A3020 Grusendorf</u>	<u>        </u> Date
<u>A2350 Canales</u>	<u>        </u> Date	<u>A2665 Dukes</u>	<u>        </u> Date	<u>A3045 Guillen</u>	<u>        </u> Date
<u>A2300 Capelo</u>	<u>        </u> Date	<u>A2660 Dunnam</u>	<u>        </u> Date	<u>A3030 Gutierrez</u>	<u>        </u> Date
<u>A2490 Casteel</u>	<u>        </u> Date	<u>A2650 Dutton</u>	<u>        </u> Date	<u>A3035 Haggerty</u>	<u>        </u> Date
<u>A2495 Castro</u>	<u>        </u> Date	<u>A2770 Edwards</u>	<u>        </u> Date	<u>A3050 Hamilton</u>	<u>        </u> Date
<u>A2585 Chavez</u>	<u>        </u> Date	<u>A2775 Eiland</u>	<u>        </u> Date	<u>A2695 Hamric</u>	<u>        </u> Date
<u>A2480 Chisum</u>	<u>        </u> Date	<u>A2780 Eissler</u>	<u>        </u> Date	<u>A3160 Hardcastle</u>	<u>        </u> Date
<u>A2525 Christian</u>	<u>        </u> Date	<u>A2785 Elkins</u>	<u>        </u> Date	<u>A3165 Harper-Brown</u>	<u>        </u> Date
<u>A2435 Coleman</u>	<u>        </u> Date	<u>A2790 Ellis</u>	<u>        </u> Date	<u>A3170 Hartnett</u>	<u>        </u> Date

A3180 Heflin	Date	A3715 Madden	Date	A4220 Riddle	Date
A3190 Hegar	Date	A3750 Marchant	Date	A4250 Ritter	Date
A3250 Hilderbran	Date	A2835 Martinez Fischer	Date	A4270 Rodriguez	Date
A3275 Hill	Date	A3665 McCall	Date	A4350 Rose	Date
A3305 Hochberg	Date	A3650 McClendon	Date	A4420 Seaman	Date
A3290 Hodge	Date	A3845 McReynolds	Date	A4525 Smith, Todd	Date
A3325 Homer	Date	A3830 Menendez	Date	A4540 Smith, Wayne	Date
A3320 Hope	Date	A3815 Mercer	Date	A4530 Smithee	Date
A3330 Hopson	Date	A3840 Merritt	Date	A4550 Solis	Date
A3315 Howard	Date	A3835 Miller	Date	A4505 Solomons	Date
A3340 Hughes	Date	A3855 Moreno, Joe	Date	A4560 Stick	Date
A3355 Hunter	Date	A3860 Moreno, Paul	Date	A4570 Swinford	Date
A3360 Hupp	Date	A3870 Morrison	Date	A4585 Talton	Date
A3375 Isett	Date	A3865 Mowery	Date	A4600 Taylor	Date
A3405 Jones, Delwin	Date	A3885 Naishtat	Date	A4605 Telford	Date
A3420 Joncs, Elizabeth	Date	A3895 Nixon	Date	A4630 Thompson	Date
A3400 Jones, Jesse	Date	A3900 Noriega	Date	A4650 Truitt	Date
A3475 Keel	Date	A3880 Oliveira	Date	A4685 Turner	Date
A3410 Keffer, Bill	Date	A3886 Olivo	Date	A4695 Uresti	Date
A3480 Keffer, Jim	Date	A4100 Paxton	Date	A4700 Van Arsdale	Date
A3470 King	Date	A4140 Pena	Date	A4800 Villarreal	Date
A3495 Kolkhorst	Date	A4160 Phillips	Date	A4995 West	Date
A3485 Krusee	Date	A4180 Pickett	Date	A5000 Wilson	Date
A3450 Kuempel	Date	A4185 Pitts	Date	A5020 Wise	Date
A3510 Lancy	Date	A4200 Puente	Date	A5015 Wohlgemuth	Date
A3540 Laubenberg	Date	A4230 Quintanilla	Date	A4980 Wolens	Date
A3605 Lewis	Date	A4240 Rangel	Date	A4985 Wong	Date
A3620 Luna	Date	A4215 Raymond	Date	A5005 Woolley	Date
A3700 Mabry	Date	A4236 Reyna	Date	A5150 Zedler	Date

A BILL TO BE ENTITLED  
AN ACT

relating to the creation of magistrates in Comal County.

FEB 13 2003

Filed with the Chief Clerk

FEB 19 2003Read first time and referred to Committee on Judicial AffairsMAR 17 2003Reported favorably (~~as amended~~)  
(~~as substituted~~)MAR 21 2003Sent to Committee on (Calendars)  
(~~Committee on Calendars~~)APR 03 2003Read second time (~~unanimous consent~~) (~~unanimous~~), passed to third reading (~~failed~~) by a (non-record vote)  
(~~unanimous consent~~) (~~unanimous~~) (~~unanimous~~) (~~unanimous~~)Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not votingAPR 03 2003Read third time (~~unanimous~~); finally passed (~~unanimous~~) by a (~~unanimous~~)  
(record vote of 14 yeas, 8 nays, 2 present, not voting)APR 03 2003

Engrossed

APR 07 2003

Sent to Senate

Robert H. Hargrove  
CHIEF CLERK OF THE HOUSE

## OTHER HOUSE ACTION:

APR 07 2003

Received from the House

APR 09 2003Read and referred to Committee on JURISPRUDENCEAPR 24 2003

Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

MAY 01 2003

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)MAY 01 2003Read second time, \_\_\_\_\_, and passed to third reading by (~~unanimous consent~~)  
(a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)MAY 01 2003Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 naysMAY 01 2003Read third time, \_\_\_\_\_, and passed by (~~a viva voce vote~~)  
(31 yeas, 0 nays)May 1, 2003

Returned to the House

Larry Spaw  
SECRETARY OF THE SENATE

## OTHER SENATE ACTION:

MAY 01 2003

Returned from the Senate (~~as substituted~~)  
(~~with amendments~~)

House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)